

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.2000 of 2006

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DATED: 02-02-2006

Between:

Shaik Ali . . .Petitioner

and

The Superintending Engineer,

CPDCL, Mahabubnagar, and another . . .Respondents

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ORDER:

The petitioner was working as Line Inspector in the Central Power Distribution Company Limited. By 14-08-2004, he was working in Town-I Section of Mahabubnagar. When general transfers were made on 14-08-2004, he was retained at Mahabubnagar, but, in a different Section. Thereafter, he was promoted as Senior Line Inspector, through proceedings, dated 08-11-2005, and posted in Operation Section, Marikal, against a post of Operation Sub-Division, Kalwakurthy. He states that he submitted a representation for being retained at Mahabubnagar, on account of his health problems. The first respondent passed orders, dated 21-01-2006, transferring the petitioner and posting him as Senior Line Inspector in Operation Section, Town-I, at Mahabubnagar. However, two days thereafter, the first respondent has withdrawn his order, dated 21-01-2006, and restored the status quo ante. The petitioner challenges the order, dated 23-01-2006.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents.

The request of the petitioner was acceded to, for being retained at Mahabubnagar, when general transfers took place on 14-08-2004. He came to be posted at Marikal, on his being promoted as Senior Line Inspector, on 08-11-2005. Ever since then, he was working there.

On a request made by the petitioner or on account of certain other reasons, the first respondent passed an order, dated 21-01-2006, posting the petitioner at Mahabubnagar. Within two days, he passed another order, dated 23-01-2006, cancelling the order, dated 21-01-2006.

In effecting transfers, the first respondent was required to take into account the

vacancy position as well as the effect of the transfer of other employees. Having passed an order of promotion-cum-posting in November, 2005, the first respondent has chosen to pass a slipshod order with the sole purpose of bringing the petitioner to Mahabubnagar. Having realized the mistake in issuing such orders, he rectified the same by issuing a fresh order, dated 23-01-2006. The first respondent was required to be more objective and careful in handling such matters. This Court does not find any basis to interfere with the impugned order. However, if the petitioner is facing any serious medical problem, which disable him from working at any other place other than Mahabubnagar, the same needs to be taken into account and necessary steps need be taken, in such a way, as to conform with the general procedure as well as to respect the rights of other employees.

The writ petition is accordingly disposed of, leaving it open to the petitioner to make a representation to the first respondent, who in turn, shall pass necessary orders, without violating any norms prescribed for transfer of an employee. There shall be no order as to costs.

(L.NARASIMHA REDDY, J)

2nd FEBRUARY, 2006.

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